

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

TWELFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 28, 2016

The Senate convened at 1:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. John Armstrong, followed by the Pledge of Allegiance led by Senate page Hannah Gruenwald.

Roll Call: All members present except Sens. Frerichs, Shorma, and Van Gerpen who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the eleventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration SB 10, 11, 17, 18, 68 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Joint Committee on Appropriations respectfully reports that it has had under consideration SB 12 and returns the same with the recommendation that said bill be amended as follows:

12cc

On page 2, after line 1 of the printed bill, insert:

"

Section 3. Notwithstanding the provisions of this Act or any other law to the contrary, the Board of Regents and the Governor may direct the commissioner of school and public lands to sell any property described in section 1 of this Act to any municipality with corporate limits within ten miles of the location of the property. The sale may be made without first offering the property for sale to the public. The sale price shall be at least the appraised value as determined by the board of appraisal established by § 5-9-3, and is subject to all applicable statutory and constitutional reservations."

And that as so amended said bill do pass.

Respectfully submitted,
Deb Peters, Co-Chair

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 24, 25, and 54 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 26 and returns the same with the recommendation that said bill be amended as follows:

1 26ya

2 On page 1, line 12, of the printed bill, after "adult" delete "as set forth in §§ 22-22A-2 to
3 22-22A-3.1, inclusive".

4 And that as so amended said bill do pass.

5 Respectfully submitted,
6 Craig Tieszen, Chair

7 Also MR. PRESIDENT:

8 The Committee on Commerce and Energy respectfully reports that it has had under
9 consideration SB 76 and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Commerce and Energy respectfully reports that it has had under
12 consideration HB 1030, 1032, 1038, and 1041 and returns the same with the recommendation
13 that said bills do pass and be placed on the consent calendar.

14 Respectfully submitted,
15 R. Blake Curd, Chair

16 Also MR. PRESIDENT:

17 The Committee on Education respectfully reports that it has had under consideration SB 82
18 and returns the same with the recommendation that said bill do pass.

19 Also MR. PRESIDENT:

20 The Committee on Education respectfully reports that it has had under consideration SB 81
21 and returns the same with the recommendation that said bill be amended as follows:

22 81sa

23 On page 3, after line 19 of the printed bill, insert:

24 " Section 7. The provisions of this Act are repealed on June 30, 2020.".

25 And that as so amended said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration SB 9
3 and returns the same with the recommendation that said bill be referred to the Joint Committee
4 on Appropriations.

5 Respectfully submitted,
6 Deb Soholt, Chair

7 Also MR. PRESIDENT:

8 The Committee on Agriculture and Natural Resources respectfully reports that it has had
9 under consideration SB 3 and returns the same with the recommendation that said bill do pass.

10 Also MR. PRESIDENT:

11 The Committee on Agriculture and Natural Resources respectfully reports that it has had
12 under consideration the nomination of Lyla Hutchison of Oglala Lakota County, Wounded
13 Knee, South Dakota, to the State Brand Board and returns the same with the recommendation
14 that the Senate advise and consent to the confirmation of said reappointment and that said
15 reappointment be placed on the consent calendar.

16 Respectfully submitted,
17 Gary Cammack, Chair

18 **MESSAGES FROM THE HOUSE**

19 MR. PRESIDENT:

20 I have the honor to transmit herewith HCR 1002 and 1003 which have been adopted by the
21 House and your concurrence is respectfully requested.

22 Also MR. PRESIDENT:

23 I have the honor to transmit herewith HB 1008, 1056, 1059, and 1075 which have passed
24 the House and your favorable consideration is respectfully requested.

25 Respectfully,
26 Arlene Kvislen, Chief Clerk

MOTIONS AND RESOLUTIONS

SCR 2 Introduced by: Senators Buhl O'Donnell, Bradford, Heinert, Hunhoff (Bernie), Parsley, Peterson (Jim), and Sutton and Representatives Hawks, Bartling, Bordeaux, Gibson, Hawley, Killer, Kirschman, McCleerey, Ring, Schrempp, and Soli

A CONCURRENT RESOLUTION, Supporting efforts to ensure that students from South Dakota have access to debt-free higher education at public colleges and universities.

WHEREAS, the economic competitiveness of the United States and South Dakota in the global economy, requires a well-educated workforce; and

WHEREAS, students in South Dakota currently average \$26,000 in debt upon graduation, which significantly hinders their ability to participate in the local economy; and

WHEREAS, current and future young people in the United States and South Dakota should have the same opportunity offered to those who went to college in previous generations, including the ability to attend state colleges and universities without taking on burdensome debt; and

WHEREAS, in 2016, higher education is more important than ever because it is an essential step to entering and remaining in the middle class; and

WHEREAS, because of the importance of higher education, the United States and local governments should expand the opportunities to pursue and attain a higher education to more people than had the same opportunities in the past; and

WHEREAS, public investment in higher education pays off, as evidenced by the fact the G.I. Bill resulted in a 7-to-1 return on investment for our national economy and that workers with college degrees earn more money, pay more taxes, and rely less on government services; and

WHEREAS, student loan debt saddles the very students who most depend on a college degree to level the economic playing field with a burden that constrains career choices and hurts the credit rating of students, prevents people from fully participating in the economy by purchasing goods and services, and threatens essential milestones of the American dream; including the purchase of a home or car, starting a family, and saving for retirement; and

WHEREAS, the Schatz-Schumer-Warren U.S. Senate debt-free college resolution and GrijalvaEllison-Clark U.S. House debt-free college resolution have gained national momentum in recent months, have become central in the national dialogue around higher education; and

WHEREAS, a national goal of debt-free college would include significant federal aid to states, including South Dakota:

1 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Ninety-First Legislature of
2 the State of South Dakota, the House of Representatives concurring therein, that the Legislature
3 supports efforts to enact legislation that:

- 4 (1) Ensures all students have access to debt-free higher education, defined to mean
5 having no debt upon graduation from any public institutions of higher education;
- 6 (2) Supports efforts that increase support to states so states can increase investments in
7 higher education and bring down costs for students;
- 8 (3) Increases aid to students to help them cover the total cost of college attendance
9 without taking on debt;
- 10 (4) Encourages innovation by states and institutions of higher education to increase
11 efficiency, lower costs, and enable speedy and less-costly degree completion; and
- 12 (5) Reduces the burden of existing student loan debt.

13 Was read the first time, the President waived the referral to committee, and placed SCR 2
14 on the calendar of Tuesday, February 2nd, the 13th legislative day.

15 HCR 1002: A CONCURRENT RESOLUTION, Supporting the selection of the F-35 Joint
16 Strike Fighter beddown at Joe Foss Field, 114th Fighter Wing, South Dakota Air National Guard.

17 Was read the first time, the President waived the referral to committee, and placed
18 HCR 1002 on the calendar of Tuesday, February 2nd, the 13th legislative day.

19 HCR 1003: A CONCURRENT RESOLUTION, Encouraging recognition of the current
20 gender wage gap and calling for the enforcement of equal pay for equal work laws.

21 Was read the first time, the President waived the referral to committee, and placed
22 HCR 1003 on the calendar of Tuesday, February 2nd, the 13th legislative day.

23 Sen. Brown moved that SB 9 be referred from the Committee on Education to the Joint
24 Committee on Appropriations.

25 Which motion prevailed.

26 Sen. Brown moved that SB 5 and 8 be deferred to Tuesday, February 2nd, the
27 13th legislative day.

28 Which motion prevailed.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Sen. Brown moved that the report of the Standing Committees on
3 Local Government on SB 65 as found on page 146 of the Senate Journal be adopted.
4 Which motion prevailed.

5 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

6 SB 107 Introduced by: Senators Cammack, Curd, Ewing, Olson, Peterson (Jim),
7 Rampelberg, Rusch, Solano, Sutton, and Vehle and Representatives Qualm, Bartling, Brunner,
8 Campbell, Duvall, Haugaard, Hunhoff (Jean), Johns, Klumb, Peterson (Kent), Schaefer, Werner,
9 Wiik, and Wink

10 FOR AN ACT ENTITLED, An Act to clarify certain safety zone restrictions on hunting.

11 Was read the first time and referred to the Committee on Agriculture and Natural
12 Resources.

13 SB 108 Introduced by: Senators Parsley, Heinert, Hunhoff (Bernie), Olson, Peterson (Jim),
14 and Sutton and Representatives Bartling, Gibson, and Soli

15 FOR AN ACT ENTITLED, An Act to require notice if certain immunizations contain more
16 than trace amounts of mercury.

17 Was read the first time and referred to the Committee on Health and Human Services.

18 SB 109 Introduced by: Senators Vehle, Haverly, Novstrup (David), Otten (Ernie), Peterson
19 (Jim), Shorma, Soholt, and Tieszen and Representatives Duvall, Beal, Bolin, Feickert, Hawley,
20 McCleerey, Novstrup (Al), Rozum, and Verchio

21 FOR AN ACT ENTITLED, An Act to require counties to conduct random checkpoints for
22 overweight vehicles as a condition of receiving funds from the bridge improvement grant fund.

23 Was read the first time and referred to the Committee on Transportation.

24 SB 110 Introduced by: Senators Vehle, Cammack, Hunhoff (Bernie), Novstrup (David),
25 and Tieszen and Representatives Verchio, Bolin, Klumb, Qualm, Rozum, and Schaefer

26 FOR AN ACT ENTITLED, An Act to increase certain fuel excise tax rates.

1 Was read the first time and referred to the Committee on Transportation.

2 SB 111 Introduced by: Senators Vehle, Buhl O'Donnell, Novstrup (David), Otten (Ernie),
3 and Tieszen and Representatives Schaefer, Bolin, Kirschman, Klumb, and Rozum

4 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the application
5 of the county wheel tax.

6 Was read the first time and referred to the Committee on Taxation.

7 SB 112 Introduced by: Senators Vehle, Brown, and Haverly and Representatives Stevens,
8 Harrison, Hunhoff (Jean), Klumb, and Rozum

9 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning tax increment
10 districts.

11 Was read the first time and referred to the Committee on State Affairs.

12 SB 113 Introduced by: Senators Parsley, Buhl O'Donnell, Frerichs, Haggar (Jenna),
13 Hunhoff (Bernie), Peterson (Jim), Sutton, and Tieszen and Representatives Wollmann, Bartling,
14 Bordeaux, Deutsch, Feickert, Gibson, Hawks, Hawley, Jensen (Alex), Killer, Kirschman,
15 McCleerey, Peterson (Kent), Ring, Romkema, Soli, and Zikmund

16 FOR AN ACT ENTITLED, An Act to revise provisions related to the operation of a
17 bicycle on a roadway.

18 Was read the first time and referred to the Committee on Transportation.

19 SB 114 Introduced by: Senators Brown, Buhl O'Donnell, Cammack, Ewing, Fiegen,
20 Greenfield (Brock), Haggar (Jenna), Haverly, Heineman (Phyllis), Holien, Hunhoff (Bernie),
21 Jensen (Phil), Novstrup (David), Otten (Ernie), Parsley, Peters, Peterson (Jim), Rampelberg,
22 Rusch, Soholt, Solano, Sutton, Tidemann, Tieszen, Van Gerpen, Vehle, and White and
23 Representatives Hunt, Beal, Campbell, Cronin, Deutsch, Dryden, Duvall, Gosch, Haggar (Don),
24 Harrison, Haugaard, Hawks, Hawley, Heinemann (Leslie), Hunhoff (Jean), Johns, Klumb,
25 Langer, McCleerey, Mickelson, Munsterman, Otten (Herman), Partridge, Rasmussen,
26 Romkema, Rounds, Rozum, Schoenbeck, Sly, Solum, Stalzer, Steinhauer, Stevens, Tulson,
27 Verchio, Werner, Westra, Willadsen, Wink, Wollmann, and Zikmund

28 FOR AN ACT ENTITLED, An Act to make an appropriation for certain costs related to
29 the commissioning of the USS South Dakota and to declare an emergency.

30 Was read the first time and referred to the Joint Committee on Appropriations.

1 SB 115 Introduced by: Senators Tidemann, Buhl O'Donnell, Curd, Greenfield (Brock),
2 Monroe, Novstrup (David), Peters, and Solano and Representatives Romkema, Bartling, Bolin,
3 Brunner, Cronin, Dryden, Gibson, Hawks, Solum, Verchio, and Wiik

4 FOR AN ACT ENTITLED, An Act to permit car rental companies to include certain fees
5 in a rental agreement.

6 Was read the first time and referred to the Committee on Commerce and Energy.

7 SB 116 Introduced by: Senators Rusch, Hunhoff (Bernie), Novstrup (David), Omdahl,
8 Peterson (Jim), Rampelberg, Tidemann, and Vehle and Representatives Ring, Bartling, Duvall,
9 Hawley, Jensen (Alex), Kirschman, Rasmussen, Schoenbeck, Solum, and Wiik

10 FOR AN ACT ENTITLED, An Act to remove any reference to land ownership being a
11 requirement for participation in any actions pertaining to the creation of or withdrawal from a
12 water development district.

13 Was read the first time and referred to the Committee on Local Government.

14 SB 117 Introduced by: Senators Greenfield (Brock), Bradford, Haggar (Jenna), Jensen
15 (Phil), Monroe, Olson, Rampelberg, and Shorma and Representatives DiSanto, Brunner,
16 Campbell, Craig, Deutsch, Feickert, Greenfield (Lana), Haggar (Don), Haugaard, Holmes, Hunt,
17 Klumb, Langer, Latterell, May, Munsterman, Qualm, Russell, Schaefer, Schoenfish, Sly,
18 Tulson, Verchio, Wiik, and Zikmund

19 FOR AN ACT ENTITLED, An Act to permit the practice of midwifery by certain persons.

20 Was read the first time and referred to the Committee on Health and Human Services.

21 SB 118 Introduced by: Senators Heinert, Bradford, Ewing, and Peterson (Jim) and
22 Representatives Schaefer, Duvall, Rounds, Tulson, and Verchio

23 FOR AN ACT ENTITLED, An Act to exempt certain purchases from certain bidding
24 requirements.

25 Was read the first time and referred to the Committee on State Affairs.

26 SB 119 Introduced by: Senators Greenfield (Brock), Jensen (Phil), Novstrup (David), and
27 Olson and Representatives Wiik, Bolin, Brunner, Campbell, Craig, DiSanto, Greenfield (Lana),
28 Langer, Latterell, Marty, May, and Russell

29 FOR AN ACT ENTITLED, An Act to require legislative authority for refugee actions
30 under South Dakota law.

1 Was read the first time and referred to the Committee on Judiciary.

2 SB 120 Introduced by: Senators Peters, Buhl O'Donnell, and Tidemann and
3 Representatives Cronin, Dryden, and Hunhoff (Jean)

4 FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain family
5 physicians, dentists, physician assistants, and nurse practitioners who have complied with the
6 requirements of the recruitment assistance program.

7 Was read the first time and referred to the Joint Committee on Appropriations.

8 SB 121 Introduced by: Senators Holien, Greenfield (Brock), Heineman (Phyllis), Jensen
9 (Phil), Monroe, Olson, Parsley, Rampelberg, and Sutton and Representatives Gosch, Bolin,
10 DiSanto, Haggar (Don), Harrison, Hawley, Hunt, Johns, Langer, Latterell, Novstrup (Al),
11 Rasmussen, Rounds, Stalzer, Stevens, Verchio, Westra, Wiik, Wink, and Wollmann

12 FOR AN ACT ENTITLED, An Act to authorize certain duties for the sergeant at arms and
13 assistant sergeant at arms.

14 Was read the first time and referred to the Committee on Judiciary.

15 SB 122 Introduced by: Senators Heinert, Greenfield (Brock), Olson, and Sutton and
16 Representatives Wollmann, Bordeaux, Gibson, Killer, Langer, May, Schoenfish, Soli, and
17 Zikmund

18 FOR AN ACT ENTITLED, An Act to require that fees collected for military specialty
19 license plates be distributed to county veterans' service officers.

20 Was read the first time and referred to the Committee on Transportation.

21 SB 123 Introduced by: Senators Heinert, Bradford, Greenfield (Brock), Haggar (Jenna),
22 Hunhoff (Bernie), Jensen (Phil), Monroe, Novstrup (David), Olson, Omdahl, Parsley, Peterson
23 (Jim), and Sutton and Representatives Killer, Bordeaux, DiSanto, Gosch, Hawks, Langer, May,
24 Schaefer, and Soli

25 FOR AN ACT ENTITLED, An Act to revise certain provisions limiting the issuance of
26 certain licenses and permits if a debt is being collected by the obligation recovery center.

27 Was read the first time and referred to the Committee on Judiciary.

1 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1008: FOR AN ACT ENTITLED, An Act to restrict access to certain restrooms and
3 locker rooms in public schools.

4 Was read the first time and referred to the Committee on Education.

5 HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
6 veterans' preference in employment.

7 Was read the first time and referred to the Committee on Commerce and Energy.

8 HB 1059: FOR AN ACT ENTITLED, An Act to revise provisions related to the
9 garnishment of debts and property.

10 Was read the first time and referred to the Committee on Judiciary.

11 HB 1075: FOR AN ACT ENTITLED, An Act to revise the area for certain open units
12 where nonresident waterfowl licenses are issued.

13 Was read the first time and referred to the Committee on Agriculture and Natural
14 Resources.

15 **SECOND READING OF CONSENT CALENDAR ITEMS**

16 Sen. Greenfield requested that SB 34 be removed from the Consent Calendar.

17 Sen. Holien requested that SB 63 be removed from the Consent Calendar.

18 SB 22: FOR AN ACT ENTITLED, An Act to add emergency medical responders to the
19 list of mandatory reporters, and to update cross references in the section.

20 Was read the second time.

21 The question being "Shall SB 22 pass as amended?"

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

6 Excused:

7 Frerichs; Shorma; Van Gerpen

8 So the bill having received an affirmative vote of the majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 HB 1002: FOR AN ACT ENTITLED, An Act to eliminate certain reporting requirements
11 for the county general fund.

12 Was read the second time.

13 The question being "Shall HB 1002 pass?"

14 And the roll being called:

15 Yeas 32, Nays 0, Excused 3, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);
18 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
19 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
20 Rampelberg; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

21 Excused:

22 Frerichs; Shorma; Van Gerpen

23 So the bill having received an affirmative vote of the majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 **SIGNING OF BILLS**

26 The President publicly read the title to

27 HB 1026: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
28 annual inspection requirement for licensed health care facilities.

29 HB 1028: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
30 statutes related to the Department of Health.

1 And signed the same in the presence of the Senate.

2 **COMMEMORATIONS**

3 SC 5 Introduced by: Senator Rampelberg and Representatives Verchio and Russell

4 A LEGISLATIVE COMMEMORATION, Commending and honoring Tanya Olson, a member
5 of the Custer School District Board of Education, on her selection as the Associated School
6 Boards of South Dakota Outstanding School Board Member for 2015.

7 WHEREAS, Tanya Olson works hard to guarantee that all students achieve and grow in a
8 safe educational environment; she is a leader in creating a long-term plan for the Custer School
9 District, and she is focused on leading the board to improve student achievement; and

10 WHEREAS, Tanya Olson has connected with the Custer community on issues such as
11 school closing and funding needs of the district, and her superintendent noted that Tanya is
12 knowledgeable, open-minded, and hard-working, and the best board member with whom the
13 superintendent has worked:

14 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the
15 State of South Dakota, that Tanya Olson, Custer, South Dakota, is hereby an official
16 representative of the state, and her continuing efforts to seek improvement in the educational
17 opportunities for the students of this state are hereby applauded.

18 Sen. Otten moved that the Senate do now adjourn, which motion prevailed and at 1:56 p.m.
19 the Senate adjourned.

20 Kay Johnson, Secretary

